REMARKS

1. Applicant notes that the requirement for surrender of the original patent has been eliminated by recent changes to 37 CFR 1.178. Thus, the requirement for surrender has been rendered moot. See, 69 Fed. Reg. 56,521.

2. Applicants respectfully note that no terminal disclaimer was filed in the present application. Nonetheless, Applicants note that a Certificate under 37 CFR §3.73(b) was submitted on September 22, 1999. The Certificate stated that an assignment from the inventors was recorded in the USPTO at Reel 6985, Frame 685.

3. Applicants submit herewith a Supplemental Declaration under 37 CFR 1.175(b). The Supplemental Declaration uses the language suggested by the Examiner.

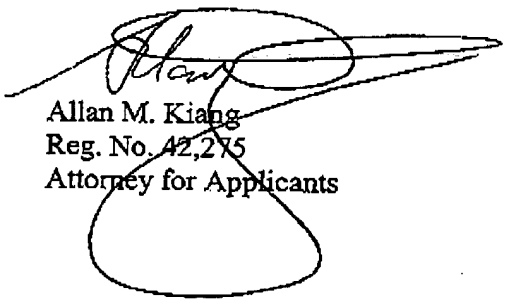
4. Applicants enclose herewith a Supplemental Response setting forth the claim amendments made in Applicant's previous response dated September 16, 2004, in proper form.

5. Applicants submit herewith the references cited in US Patent No. 5,547,861 on form PTO 1449.

7. Applicants have amended claims 21 and 29, per the Examiner's suggestion. Support for the current amendment may be found on column 5, lines 10-14 of the specification.

The claims of the present application are believed to be in condition for allowance. The Examiner is urged to telephone the undersigned regarding any further issues regarding this application.

Respectfully submitted,



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PATENT
P-2821R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): J. Nadeau and G. Walker

REISSUE OF: Patent No. 5,547,861

SERIAL NO.: 09/082,247 GROUP: 1637

FILING DATE: May 20, 1998 EXAMINER: J. Tung

FOR: Detection of Nucleic Acid Amplification

Assistant Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED VIA FACSIMILE TO the USPTO at 703-~~305-3014~~ 872-9306
ON: April 26, 2005 (DATE OF DEPOSIT)
BY: Rachel Novak (NAME OF DEPOSITER)
Rachel Novak 4/26/05 (SIGNATURE) (DATE)

SUPPLEMENTAL RESPONSE

Sir:

In response to the Office Action Mailed October 26, 2004, this Supplemental Response sets for the claim amendments made in Applicant's previous response dated September 16, 2004, in proper form.

Amendments to the Claims begin on page 2 of this Supplemental Response.

Status of the Claims begins on page 4 of this Supplemental Response.

Respectfully submitted,

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AMENDMENTS TO THE CLAIMS

21. (Thrice Amended) A method for concurrently generating a secondary amplification product and an amplification product in a primer based nucleic acid amplification reaction, the method comprising:

a) hybridizing a signal primer to a target sequence and hybridizing a first amplification primer to the target sequence upstream of the signal primer, wherein a characteristic of said signal primer is that it may not function as an exponential amplification primer;

b) extending the hybridized signal primer on the target sequence to produce a signal primer extension product and extending the hybridized first amplification primer on the target sequence such that extension of the first amplification primer displaces the signal primer extension product from the target sequence;

c) hybridizing a second amplification primer to the signal primer extension product and extending the hybridized second amplification primer on the signal primer extension product to produce a second amplification primer extension product comprising a newly synthesized strand;

d) displacing the newly synthesized strand from the signal primer extension product; and

e) hybridizing the signal primer to the displaced newly synthesized strand and extending the signal primer such that a double stranded secondary amplification product is generated.

29. (Thrice Amended) A method for concurrently generating a secondary amplification product and an amplification product in a primer based nucleic acid amplification reaction, the method comprising:

a) hybridizing a first signal primer to a first strand of a double-stranded target sequence and hybridizing a first amplification primer to the first strand of the target sequence upstream of the first signal primer, wherein a characteristic of said signal primer is that it may not function as an exponential amplification primer;

b) extending the hybridized first signal primer on the first strand to produce a first extension product and extending the hybridized first amplification primer on the first

strand such that extension of the first amplification primer displaces the first extension product from the target sequence;

c) hybridizing a second signal primer to the first extension product and hybridizing a second amplification primer to the first extension product upstream of the second signal primer;

d) extending the hybridized second signal primer on the first extension product to produce a second extension product and extending the hybridized second amplification primer on the first extension product such that extension of the second amplification primer displaces the second extension product from the first extension product; and

e) hybridizing the first signal primer to the displaced second extension product and extending the hybridized first signal primer on the second extension product such that a double stranded secondary amplification product is generated.

STATUS OF THE CLAIMS

1-20. (Pending)

21. (Thrice Amended).

22-28. (Pending)

29. (Thrice Amended).

30-42. (Pending)

43-50. (Cancelled)